

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JULY 19, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, JULY 18, 2005
4:00 P.M.**

ROLL CALL

Invocation – Fire and Police Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATION

MILK YOUR DIET DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA**1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of July 12, 2005 and the Special City Council Meetings of July 11, (Agenda Review) and July 8, 2005 (Budget Hearing).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the City Manager be authorized to sign an Amendment to the Personal Services Contract between the CITY OF EL PASO and ANTHONY W. PEARSON, to amend the contract to make him an exempt employee under FLSA and amending Attachment A to add additional duties.

Fund Source: 01010001-01101-01001 [City Manager, Joyce A. Wilson, (915) 541-4844]

3B. That the Mayor be authorized to sign an amendment to Grant Agreement and a Memorandum of Agreement by and between the United States Department of Housing and Urban Development, the State of Texas and the City of El Paso, Texas related to the implementation of the 1999 Empowerment Zone Planning and Implementation Grant, whereby additional funds in the amount of \$661,333 will be added to the grant.

[Community and Human Development, Thomas Serrano, (915) 541-4642]

3C. That the City Manager be authorized to sign an Agreement among THE CITY OF EL PASO, ASCG INCORPORATED OF NEW MEXICO, and BPLW ARCHITECTS & ENGINEERS, INC which will allow ASCG Incorporated of New Mexico to manage the Jan. 18, 2005 Agreement for Architectural Services between the City of El Paso and BPLW Architects & Engineers, Inc. for a project known as "Boys Club Park Walkways and Benches". **(District 8)**

The project has been funded by CBDG funds. The funding information is G7130CD0017/508016. [Engineering Department, Rick Conner, (915) 541-4200]

3D. That the resolution approved by the Council on March 8, 2004, which created the Community Advisory Panel for the City Manager Hiring Process, be rescinded in order to sunset the Panel. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3E. That Laura Prine is appointed as alternate City Clerk to act as the City Clerk during the absence or disability of the City Clerk.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3F. That the Mayor be authorized to execute an Interlocal Governmental Agreement between the City of El Paso and the City of Socorro establishing a farmer's market in Mission Valley that will benefit both entities and the people of El Paso County by providing a valuable tool for community and economic development. The market will be operational from July 30, 2005, through October 29, 2005. The City of El Paso will pay the City of Socorro \$37,220.00 for the administration, marketing and management of the market.

[Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

4. STAFFING TABLE CHANGES:**4A. Economic Development**

Add	1.00	Administrative Assistant	GS 23
Delete	1.00	Secretary III	GS 19

Fund Source: 72010268-01101-72000
[Economic Development, David Dobson, (915) 541-4672]

4B. Parks & Recreation

Add	1.00	Architect	PM 79
Delete	1.00	Chief Architect	EX G

Fund Source: 51010256-01101-51095
[Parks & Recreation, Norman Merrifield, (915) 541-4333]

5. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

5A. Between 10745 and 10741 Sapphire St. \$1,200 **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

5B. Between 11053 and 11057 Middledale St. \$1,200 **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

5C. Between 10173 and 10169 Tuscany St. \$ 899. **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

5D. Between 5307 and 5309 Salisbury Dr. \$ 899 **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

5E. Between 6000 and 6004 Belladonna Cir. \$1,200 **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

5F. Between 10601 and 10605 Capt Valtr Drive \$1,200 **(District 4)**
Funds are to be allocated from District #4 Discretionary Funds
(Dept. ID #01153005; Account #504420; Fund #16509; Project
#PD40425; Class 01001) [Representative Melina Castro, (915) 541-4400]

6. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)

7. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]**7A. BT2005-1300 LIBRARY**

To appropriate the funds received from the Ethel M Schwartz Charitable Lead Trust.

Increase	\$2,000	to	53153053/15454/405060	Donations
Increase	\$2,000	to	53153053/15454/504201	Travel Exp

7B. BT2005-1309 POLICE

The department has received donations for use in combating auto thefts and the purchase of AED's. This transfer will place the funding in the correct accounts and allow us to process purchase orders.

Increase	\$16,000	to	21150070/P50023416412/405065	Misc Rev
Increase	\$15,000	to	21150070/P50023416412/503106	UndercvrOper
Increase	\$ 1,000	to	21150070/P50023416412/508007	SafetyEquip

7C. BT2005-1311 POLICE

Each fiscal year an estimated budget is established to cover funds collected and paid out for lien claims. We have increased the vehicles being auctioned and need to increase this estimated amount to match collections and payments. This increase will be sufficient for the remainder of this fiscal year.

Increase	\$305,000	21150064/P50023616414/405065	Misc Rev
Increase	\$305,000	21150064/P50023616414/502218	GaragKeepLie

8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 8A.** Templo Pentecostes Libres En Cristo to hold a parade on July 22, 2005 from 6:00 p.m. to 8:00 p.m. Route: Start at 4006 Mountain to Dyer, turn right on Dyer to McKinley, turn left on McKinley to Stevens, turn left on Stevens to Nations, turn left on Nations to Partello, turn right on Partello to Porter, turn right on Porter to Byron, turn left on Byron to Aurora, turn right on Aurora to Luna, turn left on Luna and finish at Memorial Park – 1701 Copia. Approximately 100 persons, 20 vehicles will take part and 100 spectators are anticipated. This request includes permission to use amplification (3 microphones, 2 amplifiers and 2 speakers). PERMIT # 05-087 [Margarita Escobedo] **(Districts 2 and 8)**

NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH EIGHT OFFICERS AND EIGHT VEHICLES. ESTIMATED COST TO CITY: \$426.00; ESTIMATED COST TO APPLICANT: \$374.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8B.** G.E.C.U. to use amplification (1 microphone and 1 speaker) at Ponder Park – 7500 Burgess Dr. on July 22, 2005 from 8:00 a.m. to 9:00 a.m. for employee awards. Approximately 120 persons will take part.

PERMIT # 05-089 [Jaismin Martinez] **(District 3)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA**9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 9A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to add a subsection identifying the speed limit as thirty-five miles per hour on SunFire Boulevard from Zaragoza Road to Flora Alba Drive. The Penalty as provided in Section 12.84.010 of the El Paso Municipal Code.

(District 6) [Engineering Department, Traffic Division, Ted Marquez, 541-4035]

- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule 1, one way streets), of the El Paso Municipal Code, to add a subsection identifying Ladrillo Avenue Eastbound from Hudspeth Place to Lee Street as a One Way Street. The Penalty as provided in Section 12.84.010 of The El Paso Municipal Code. **(District 8)**

[Engineering Department, Traffic Division, Ted Marquez, 541-4035]

PUBLIC HEARING WILL BE HELD ON AUGUST 2, 2005 FOR ITEMS 9A – 9B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

10. MAYOR AND COUNCIL:

Discussion and action on an amendment to Section 12 of the Rules of Order to allow for public comment on more than one topic during the allotted time slot afforded to members of the public during the public comment portion of the agenda.

[Representative Steve Ortega, (915) 541-4124]

11. COMMUNITY AND HUMAN DEVELOPMENT:

[Community and Human Development, Robert Salinas, (915) 541-4643]

- 11A.** Public Hearing to receive comments on, and discussion and action on, Program Performance and on the adoption of the Proposed 2005-2010 Consolidated Plan for the City of El Paso and the adoption of the Proposed Annual Action Plan 2005-2006 including the 31st Year (2005-2006) Community Development Block Grant Program Budget, the FY 2005 Emergency Shelter Grant and FY 2005 HOME Investment Partnerships Program Budgets. **(Citywide)**

[Community and Human Development, Robert Salinas, (915) 541-4643]

- 11B.** Discussion and action on a Resolution that the City Council, having conducted a public hearing in order to receive comments on Program Performance and on the Draft Consolidated Plan for 2005-2010, including the Proposed Annual Action Plan 2005 - 2006, hereby adopts a Final Consolidated Plan for 2005 - 2010, and the Final Annual Action Plan for 2005- 2006, including the 31st Year (2005-2006) Community Development Block Grant Program, FY 2005 Emergency Shelter Grant Program, and FY 2005 HOME Investment Partnerships Program Budgets.

(Citywide) [Community and Human Development, Robert Salinas, (915) 541-4643]

- 11C.** Discussion and action on a Resolution that, having conducted a public hearing in order to receive comments on Program Performance and on the Draft Consolidated Plan for 2005 - 2010 and the Proposed Annual Action Plan 2005 - 2006, and having adopted the Final Consolidated Plan for 2005 - 2010, including the Annual Action Plan 2005- 2006;

That the City Manager be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Consolidated Plan, including the Annual Action Plan, and all certifications contained therein, and to sign (i) Grant Agreements with HUD for the three entitlement grants covered by the Annual Action Plan; (ii) grant contracts and related documents with agencies approved for funding in the Annual Action Plan, and (iii) related documents required by HUD or the State of Texas for activities covered by the Consolidated Plan 2005-2010 and the Annual Action Plan 2005-2006. **(Citywide)**

[Community and Human Development, Robert Salinas, (915) 541-4643]

- 12. CITY ENGINEER:** [Engineering Department, Rick Conner, (915) 541-4200]

Discussion and action on approval of Conditional "B" building permits for: Painted Dunes Unit Two, Block 1, Lot 2, Subdivision. **(District 4)**
POSTPONED FROM 07/12/05

- 13. PURCHASING:** [Purchasing Department, Ray Heredia, (915) 541-4316]

Discussion and action on a resolution that the Director of Purchasing is authorized to notify American Elevator, that the City is terminating Contract No. 2002-226 pursuant to the provisions and requirements of Section C, 8A of the Contract Clauses due to convenience and that the termination shall be effective July 31, 2005.

- 14. QUALITY OF LIFE:** [Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

Discussion and action on progress report on Strategic Agency Plan for the Arts, presentation by consultant and public advisors.
POSTPONED FROM 07/06/05 SPECIAL CITY COUNCIL MEETING

- 15. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:**

- 15A.** An Ordinance changing the zoning of Parcel 1: All of Tract 9B and a portion of Tracts 6 and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential) and imposing certain conditions; and Parcel 2: A portion of Tracts 9F and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mountain Vista Realty, Inc. ZON05-00006 **(District 1)** POSTPONED FROM 07/05/05, 06/14/05 AND 05/17/05
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 15B.** An Ordinance granting Special Permit No. ZON05-00030, to allow for a Planned Residential Development on Lots 267 and 268, Sunrise Acres Unit One, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of The El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Karma-JKS Properties, Inc. ZON05-00030 **(District 2)** [Planning, Research and Development, Christina Valles, (915) 541-4930]

- 15C.** An Ordinance granting Special Permit No. ZON05-00038, to allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Plaza Properties. ZON05-00038 **(District 2)**

[Planning, Research and Development, Christina Valles, (915) 541-4930]

- 16. CITY MANAGER:** [Deputy City Manager, William Studer, (915) 541-4011]

City Manager's report of current events and issues:

Report on Actuarial Audit by the Stanton Group of Firemen's and Policemen's Pension Fund.

- 17.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 17A.** *City of El Paso and Joseph Wardy Mayor of the City of El Paso v. The Housing Authority of the City of El Paso*; No. 08-05-00083-CV in the Eighth Court of Appeals (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]
POSTPONED FROM 07/12/05

- 17B.** *Frank Lopez, et. al. vs. City of El Paso, et al*; Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

- 17C.** *Moises Falcon vs. City of El Paso, et al*; Cause No. EP-05-CA-0063-FM in the United States District Court for the Western District of Texas (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

- 17D.** *Rita N. Villanueva and Pablo Villanueva v. City of El Paso, et al*; Cause No. EP-05-CA-0071-DB in the United States District Court for the Western District of Texas (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE FOLLOWING ADDRESS: <http://www.elpasotexas.gov>